THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.12347 of 2006

Dated:22.06.2006

Between:

Smt.Dodla Laxmamma, and another.

…Petitioners

and

The Mandal Revenue Officer, Ghatkesar Mandal, Ranga Reddy District.

…Respondents

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WRIT PETITION No.12347 of 2006

ORDER:

The two petitioners filed the instant writ petition aggrieved by the order of the respondent dated 20.05.2005. The said order was passed in purported exercise of power under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'). It is the case of the petitioners that the first petitioner is the absolute owner of the land admeasuring Acs.2.07 guntas and the second petitioner is the absolute owner of the land admeasuring Acs.2.00 in Survey No.378/3 situated at Prathapasingaram Village of Ghatkesar Mandal, Ranga Reddy District. They allege that they purchased the property under registered sale deeds dated 05.02.1994 for a valuable consideration. They also assert that the land they purchased is not assigned land and therefore, the provisions of the Act are not attracted.

A perusal of the impugned order would show that the land in Survey No.378 admeasuring Acs.144.04 guntas was classified as Gairan Sarkari and that the same was assigned to Ramanuja Rao and Laxmaiah Chaprsi and others. On an allegation that those two assignees and others sold away the land to various persons including the petitioners herein, the respondent initiated action under the Act and the Rules, issued notice in Form-I as per Rule 3 of the Rules and passed orders. It is, however, vehemently contended that no notice was issued to the petitioners and even according to the impugned order a notice was displayed on the Notice Board of the Gram Panchayat, which is not a legal compliance with the rule of natural justice.

After perusing the impugned order and after hearing the learned Counsel for the petitioners, this Court is of the considered opinion that this case involves adjudication of questions of fact more than one.

Therefore, the petitioners are given liberty to avail the effective alternative remedy under Section 4-A of the Act and file an appeal before the jurisdictional Revenue Divisional Officer. As and when such appeal is filed, the appellate authority shall entertain the same and pass appropriate orders in accordance with law after hearing the petitioners or their representatives. This Writ Petition, therefore, cannot be entertained.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.06.2006
vs